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10/541,156

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Douglas Tarr

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EXAMINER

SANTIAGO, LUIS F

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

eptomatters@glenn-law.com

Office Action Summary	Application No. 10/541,156	Applicant(s) TARR ET AL.	
	Examiner LUIS SANTIAGO	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) None is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-103 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/27/2005, 4/10/2006, 4/10/2006, 4/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the office action in response to applicant submission filed on June 27, 2005. Currently claims 1-103 are pending and examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 31, 65, and 87 are rejected under 35 U.S.C 101 based on a memo dated January 07, 2009, which states that a method claim must meet a specialized, limited meaning to qualify as a patent eligible process claim. As clarified by Bilski, the test for a method claim is whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing. This is called the “machine-or-transformation test”. It should be noted that the machine-or-transformation test from Bilski is slightly different from the test explained in the May 15 clarification memo, which was based on the Office's interpretation of the law prior to Bilski.

There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a

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particular transformation of a specific article in an insignificant step, such as a data gathering or outputting, is not sufficient to pass the test.

Since claims 2-30 depend from independent claim 1, claims 2-30 are similarly rejected under 35 USC 101; Claims 32-63 depend from independent claim 31, Claims 32-63 are similarly rejected under 35 USC 101; Since claims 66-82 depend from independent claim 65, claims 66-82 are similarly rejected under 35 USC 101; Since claims 88-89 depend from independent claim 87, claims 88-89 are similarly rejected under 35 USC 101.

Claims 89 and 90 recites creating a user profile for said user based on said user's answers to said at least one question, wherein said user profile is comprised of said at least one question and at least a corresponding answer. However these modules of service application render the claim non-statutory because it is directed towards software, per se, lacking storage on a medium, which enables any underlying functionality to occur. It is not clear whether instructions are in executable form and therefore there is no practical application.

Since claims 91-92 depend from independent claim 90, claims 91-92 are similarly rejected under 35 USC 101.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-67, 76-77, 79, 81-83, 86, 87, 89, 90, 92, 93, 101-103** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015).

With respect to **Claims 1, 31, 79, 93, 101-103**:

The combination of Williams and Turnasella teaches a method for surveying a user, comprising the steps of:

presenting at least one question to said user, said at least one question being pertinent for determination of at least one affinity group to said user;

creating a user profile for said user based on said user's answers to said at least one question, wherein said user profile is comprised of said at least one question and at least a corresponding answer; adding said user profile to one or more affinity groups “the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral

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characteristics”. (Williams Col. 2, lines 50-65); “the present invention is to administer interview questions that best exemplify the characteristics of the position. The present invention is able to provide this feature through a profiling process in which background information regarding the position, such as tasks performed and work environment”. (Williams Col. 3, lines 30-55) and

Williams does not explicitly disclose storing said user profile.

However, Turnasella teaches “a company that opts to contribute wage information to the database, i.e., a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys and access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); “may be one or more salary servers and one or more salary clients connected to the network... the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent”; the Account Information table maintains all registered users of the application. The account type code determines the type of account”. (Paragraphs 0031-0033)

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a company that opts to contribute wage information to the database, wherein the data is answer by user to predefined field is stored in the system as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed

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the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 2 and 32**:

Williams does not explicitly disclose the method of claim 1, wherein said question is comprised of a set of one or more question fields that form a logical grouping of questions into a single record. However, Turnasella teaches “the Group Account Association table associates a specific account with a specific subgroup. Once associated, all wage information provided by the account is available to all members of the specified subgroup”. (Paragraph 0036); “each account ID, job code and area code combination makes up a unique record and adds associated wage information on the record”. (Paragraph 0044); “a company subscribes by accessing a server of the salary service provider via the internet, signing up and paying any necessary fee...information of the company that is stored within a database at a storage location associated with the company...a company may associate itself with a subgroup (survey group) of all subscribers of the salary service provider”. (Paragraph 0048). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated each account ID, job code and area code combination makes up a unique record and adds associated wage information on the record as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 3 and 33**:

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Williams does not explicitly disclose the method of claim 1, wherein said method further comprises the step of: presenting at least one additional question which is a result of said at least a question presented to said user. However, Turnasella teaches “See Fig. 17, wherein additional questions are asked of a member once the members join a subgroup; “the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group”. (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 4 and 34**:

Williams does not explicitly disclose the method of claim 3, wherein said at least another question is presented as a result of at least one of: popularity of said at least another question within said at least an affinity group; being a most frequently answered said at least another question within said at least an affinity group; being a most recently answered said at least another question within said at least an affinity group; and relation to said at least a question.

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However, Turnasella teaches “See Turnasella Figs. 17 and 18; “the Industry Code Information table maintains a list of all possible industry codes along with a description associated with the code”.(Paragraph 0038); "each account ID, job code and area code combination makes up a unique record and adds associated wage information on the record”. (Paragraph 0044); “a company subscribes by accessing a server of the salary service provider via the internet, signing up and paying any necessary fee...information of the company that is stored within a database at a storage location associated with the company...a company may associate itself with a subgroup (survey group) of all subscribers of the salary service provider”. (Paragraph 0048); “the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group, wherein the user is presented other questions based on affiliation to a subgroup”. (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated subscribes by accessing a server of the salary service provider via the internet, signing up and paying any necessary fee...information of the company that is stored within a database at a storage location associated with the company...a company may associate itself with a subgroup (survey group) of all subscribers of the salary service provider, wherein the user is presented other questions based on affiliation to a subgroup as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

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With respect to **Claims 5 and 35**:

Williams does not explicitly disclose the method of claim 1, wherein said at least a corresponding answer is an open text. However, Turnasella teaches “See Turnasella Fig. 9; “may be one or more salary servers and one or more salary clients connected to the network...the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent”; the Account Information table maintains all registered users of the application. The account type code determines the type of account”. (Paragraphs 0031-0033); “once associated, all wage information provided by the account is available to all members of the specified subgroup”. (Paragraph 0036); “the Industry Code Information table maintains a list of all possible industry codes along with a description associated with the code”.(Paragraph 0038); “select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group” (Paragraph 0055); “the group survey report functionality receives at step input from a number of member companies indicating a subscription subgrouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered”). (Paragraph 0057)

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional

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job summaries more suited to the information desired by the group, the group survey report functionality receives at step input from a number of member companies indicating a subscription sub grouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 6 and 36**:

Williams does not explicitly disclose the method of claim 5, wherein said open text allows said user to add a new answer to said at least a corresponding answer. However, Turnasella teaches “the companies select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group. The service provider will set up the subgroup by assigning a group number, wherein new job summaries can be developed”. (Paragraph 0057). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated select which jobs they wish to include in their surveys. The selected jobs may be made from the job summaries already contained within the service providers' database or the subgroup could further develop additional job summaries more suited to the information desired by the group, the group survey report functionality receives at step input from a number of member companies indicating a

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subscription sub grouping consisting of a number of companies that wish to be associated with each other for the purpose of performing various surveys, where the answer or text is entered as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 7 and 37**:

Williams does not explicitly disclose the method of claim 6, wherein said new answer is used as one of said respective answers when said at least as question is suggested. However, Turnasella teaches “a survey subgroup of widget producers may be formed of companies A, B, C, etc and have an associated data group formed in the database for this subgroup of widget producers...once job summaries and passwords are created, the group members can begin loading wage and salary information into the database, wherein the survey is built and the questions suggested to users”. (Paragraph 0055). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated once job summaries and passwords are created, the group members can begin loading wage and salary information into the database, wherein the survey is built and the questions suggested to users as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 9 and 39**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, wherein said user may select one or more answers to said question. However, Williams teaches “the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms...the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics”. (Col. 2, lines 50-65); “the candidate provides his or her Social Security Number, which is used to keep an account of that candidate's activities within the system”. (Col. 6, lines 52-65). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms...the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics, the candidate provides his or her Social Security Number, wherein the user may enter multiple skills/qualification or multiple locations, etc as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 11** and **41**:

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Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, further comprising the step of: filtering said user's answers to said question. However, Williams teaches “a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process...If a candidate enters an incomplete or invalid (insufficient digits) social security number, he or she is prompted to re-enter the number”. (Col. 6, lines 55-65); “if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session”. (Col. 7, lines 21-25).

Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process...if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 12 and 42**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 11, wherein said filtering is performed in at least one of real-time and batch mode. However, Williams teaches “the client has multiple available positions; the candidate may be

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redirected to another position... upon completion of the final question, the candidate is ranked and subsequent actions regarding the candidate are determined". (Col. 8, lines 25-45). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the candidate may be redirected to another position... upon completion of the final question, the candidate is ranked and subsequent actions regarding the candidate are determined as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 13** and **43**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 11, wherein said filtering further comprises the modification of an answer to said question based on at least one of: predetermined criterion; one or more filtering rules; consistency with previously answered questions; consistency with all answered questions; and consistency with answers of at least said affinity group. However, Williams teaches "if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session". (Col. 7, lines 21-25). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated if the candidate enters an invalid (insufficient digits or an unknown area code) or incomplete telephone number, he or she is prompted to re enter the number. An invalid or incomplete entry terminates the session as taught by Williams, since the claimed invention is merely a combination of old

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elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 14 and 44**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, further comprising the steps of: periodically creating a new affinity group; and associating at least a user to said new affinity group. However, Williams teaches “the system of the present invention via the use of various media including but not limited to Interactive Voice Response telephone technology, CD Rom, and Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics”. (Col. 2, lines 50-65); “Once communication between the candidate and the system has begun, certain applicant specific data is collected, determining the proper interview route. Candidates who do not meet the client's prerequisites are told to retry communicating at a time when they will be able to provide the necessary data”. (Col.6, lines 30-25). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated periodically creating a new affinity group by associating at least one user profile to said new affinity group as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of

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ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 15 and 45**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, further comprising the step of: creating a new affinity group by a user. However, Williams teaches “candidates who are considered to be in the category of Best Match hear a message that they are pre qualified candidates and continue to the next phase of the process”. (Col. 8, lines 42-50). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated candidates who are considered to be in the category of Best Match hear a message that they are pre qualified candidates as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 16 and 46**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 15, further comprising the step of: associating matching user profiles with said new affinity group. However, Williams teaches “a group of best matches is formed, See Williams Fig. 3; Internet based interactive response platforms... the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics”. (Col. 2, lines 50-65).

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Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the first tier of the interview process, candidates are asked questions concerning employment eligibility and availability, job and educational requirements...the second tier, the system asks questions designed to assess whether a candidate displays critical, job-related behavioral characteristics as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 17**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, further comprising: the steps of providing a report. However, Williams teaches “see Williams Figs. 5, 6 “reports available”; “a goal of the process is to provide the client with candidate information. The client has the ability to access candidate information via internet based technology and/or through reports produced by the system”. (Col. 3, lines 25-30). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated provide the client with candidate information. The client has the ability to access candidate information via internet based technology and/or through reports produced by the system as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

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With respect to **Claim 18**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 17, wherein the generation of said report is constrained by at least one of an attribute of said user profile and a goal. However, Williams teaches “a utility analysis that will analyze the cost effectiveness and savings provided by the system. Specific information regarding average salary levels and G & A costs for the selected positions must be provided by the client” (Col.4 lines 61-65); “a statistical analysis of scores by appropriate race and gender group determines if the interview has an adverse impact or causes other equal employment opportunity issues”. (Col.9 lines 50-56). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated a utility analysis that will analyze the cost effectiveness and savings provided by the system, a statistical analysis of scores by appropriate race and gender group determines if the interview has an adverse impact or causes other equal employment opportunity issues as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 20 and 50**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 18, wherein said constraint results are weighted such that deterministic fields have a higher score than non-deterministic fields. However, Williams teaches “the present invention automatically and objectively measures a job candidate’s work ethic, adaptability, teamwork,

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customer-service orientation, etc". (Col. 2, lines 20-40); "during this phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process or transferred to other clients/employers". (Col. 6, lines 50-60). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the present invention automatically and objectively measures a job candidate's work ethic, adaptability, teamwork, customer-service orientation as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 22 and 53**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 21, further comprising the step of: determining the best match. However, Williams teaches the method of claim 21, further comprising the step of: determining the best match. "the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification" (Col. 8, lines 31-38). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification as taught by Williams, since the claimed invention is merely a combination of old elements, and in the

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combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 23 and 54**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 21, further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches. However, Williams teaches the method of claim 21, further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches. (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated determining one or more matches which are the best matches from a plurality of possible matches as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 24 and 55**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 23, wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. However, Williams teaches the method of claim 23, wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5, lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45). It would have been obvious to one of

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ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the method of claim 23, wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 25, 26 and 56**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 21, wherein said step of matching further comprises the steps of: scoring of each match with said affinity groups; and weighting the importance of including each said match in the aggregation of said report. However, Williams teaches providing and aggregated score for said matching step and weighting the importance of including each said match in said report. (Col. 2, lines 20-40), (Col. 6, lines 50-60); and classifying of each match score as one of deterministic to meeting said goal. (Col. 4, lines 10-19), (Col. 8, lines 20-45), (Col. 9, lines 35-45). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated providing a match score in the match populations as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 47**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 31, wherein said affinity group comprises any of: profession; geographic location. However, Williams teaches wherein the group is associated with a geographic location. (See Fig.3, Col.7, lines 5-25). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the group is associated with a geographic location as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 48**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 31, further comprising the step of: providing a compensation report. However, Williams teaches wherein a compensation report is providing that reflects cost and benefits. (Col. 4, lines 60-65), (Col. 10, lines 10-20). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated a compensation report is provide that reflects cost and benefits as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 49**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 48, wherein the generation of said compensation report is constrained by at least one of an

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attribute of said user profile and a goal. However, Williams teaches said compensation report is constrained by a report goal. (Col. 4, lines 60-65), (Col. 10, lines 10-40). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated generation of said compensation report is constrained by at least as user profile and a goal as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 51**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 49, wherein said goal comprises any of: a desired compensation. However, Williams teach said goal comprising at least a desired compensation. (Col. 4, lines 60-65), (Col. 10, lines 10-20). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated goal comprising at least a desired compensation as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 58**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 57, wherein said personal goal is any of: compensation. However, Williams teach said goal comprising at least compensation. (Col. 4, lines 60-65), (Col. 10, lines 10-20). It would have

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been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated goal comprising at least a compensation as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 63**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 31, wherein said compensation any of: annual salary. However, Williams teaches "salary levels per job position". (Col. 10, lines 10-35). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated information of salary levels per job position as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 64**:

Turnasella teaches an apparatus for compensation surveying and reporting, comprising: means for accessing a Web site, said Web site being accessible via a network (See figs. 1 and 17; paragraphs 0006, 0029-0031, 0048, 0055, and 0057).

means for surveying a user for information pertinent for determination of compensation (paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein at least one question is presented to a user to group the user with others of similar backgrounds);

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means for creating a user profile for said user based on gathering of said information, said user profile further comprised of at least one question and at least one corresponding answer (paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein a user profile is created and stored);

means for storing said user profile (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein the profile is stored in the system);

means for at least periodically generating at least an affinity group comprising a plurality of user profiles (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055, wherein a subgroup is created and the user is responsible for updating his/her data); and

means for matching an attribute of said user profile with at least one affinity group (figs. 17-18, paragraphs 0006, 0031-0033, 0036, 0038, 0044, 0048, 0055).

With respect to **Claims 65, 67, 83, 87 and 90**:

Turnasella teaches the above limitations but does not explicitly disclose a method for matching a user profile to a plurality of user profiles, comprising the steps of: receiving a first user profile; assigning a score value to at least one match group; matching said first user profile with at least a second user profile from said plurality of user profiles and assigning an overall fitness score; and reporting said fitness score. However, Williams teaches the method wherein further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches. (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40); wherein said matches are arranged by order of match score, said order being grouped to at least two levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5,

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lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45).

With respect to **Claim 66**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 65, wherein said score value is a relative weight of said match group. However, Williams teaches wherein said score value is a relative weight of said match group. (Col. 2, lines 20-40), (Col. 6, lines 50-60). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated wherein said score value is a relative weight of said match group as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 68**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 66, wherein said match group is further comprised of at least one of match field and an affinity group. However, Williams teaches the method further comprising the step of: determining one or more matches which are the best matches from a plurality of possible matches. (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated determining one or more matches which are the best matches from a plurality of possible matches as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would

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have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 69**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 68, wherein said match field comprises a score value. However, Williams teaches the method wherein said matches are arranged by order of match score, said order being grouped to at least levels of matches, based on said score. (Col. 2, line 60 to Col. 3, lines 1-11), (Col. 5, lines 65 to Col. 6, lines 1-5), (Col. 8, lines 28-45). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the method of claim 23, wherein said matches are arranged by order of match score, said order being grouped to at least levels of matches, based on said score as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 70**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 68, wherein said affinity group comprises a score value. However, Williams teaches providing and aggregated score for said matching step and weighting the importance of including each said match in said report. (Col. 2, lines 20-40), (Col. 6, lines 50-60); and classifying of each match score as one of deterministic to meeting said goal. (Col. 4, lines 10-19). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the

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system of Turnasella to have incorporated providing a match score in the match populations as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 71**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 65, wherein said match group comprises further one of a deterministic and a non-deterministic match group. However, Williams teaches “the present invention automatically and objectively measures a job candidate’s work ethic, adaptability, teamwork, customer-service orientation, etc”. (Col. 2, lines 20-40); “during this phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process or transferred to other clients/employers”. (Col. 6, lines 50-60). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the present invention automatically and objectively measures a job candidate’s work ethic, adaptability, teamwork, customer-service orientation as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

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With respect to **Claim 72**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 71, wherein a score is determined for a profile only if there exists a match to) at least said deterministic match group. However, Williams teaches the method of claim 21, further comprising the step of: determining the best match. “the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification” (Col. 8, lines 31-38). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the system then has the option of conducting a suitability evaluation of the Best Match candidates, which aids the client/employer in efficient placement of a candidate into a specific job classification as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 76 and 77**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 73, wherein said fitness scores of step f) are sorted by order of fitness and wherein user profiles having a highest fitness scores are grouped into an affinity group. However, Williams disclose “determining at least one best match from a plurality of possible matches and arranging matches by order of match score, said order being grouped to at least two levels of matches, based on said score (See column 2, line 60-column 3, line 10, column 5, line

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65-column 6, line 5, column 8, lines 28-45, wherein best matches are determined. See also column 4, lines 10-19, column 9, and lines 35-45, wherein the user is scored and is either considered a best match or is considered not suited for the position). Williams et al. further teaches providing an aggregated score for said matching step and weighting the importance of including said match in said report (See column 2, lines 20-40, column 6, lines 50-60, column 8, lines 40-50) and classifying each match score as one of deterministic to meeting said goal; and non-deterministic to meeting said goal (See column 4, lines 10-19, column 8, lines 20-45, and column 9, lines 35-45, wherein the score reflects that the user satisfies the criteria). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated matches by order of match score, said order being grouped to at least two levels of matches, based on said score as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 81**:

Turnasella teaches the above limitations but does not explicitly disclose the method of Claim 65, wherein said plurality of user profiles comprises an affinity group. However, Williams teaches “determining one or more matches which are the best matches from a plurality of possible matches”. (Col. 2, line 60 to Col. 3, lines 11-11), (Col. 8, lines 28-40). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated determining one or more matches which are the best matches from a plurality of possible matches as taught by Williams, since the claimed invention

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is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 82**:

Turnasella teaches the above limitations but does not explicitly disclose the method of claim 65, wherein said fitness score is at least a weighted score of at least one of a match group, a match field, and an affinity group. However, Williams teaches “the present invention automatically and objectively measures a job candidate’s work ethic, adaptability, teamwork, customer-service orientation, etc”. (Col. 2, lines 20-40); “during this phase of the process, a client/employer can compare candidates against a database of former employees that are not eligible for re-hire. Upon performing the comparison, non-rehireable candidates may be prompted to an exit from the interview portion of the process or transferred to other clients/employers”. (Col. 6, lines 50-60). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Turnasella to have incorporated the present invention automatically and objectively measures a job candidate’s work ethic, adaptability, teamwork, customer-service orientation as taught by Williams, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claims 86, 89 and 92**:

Williams does not explicitly disclose the computer software product of Claim 83, further comprising the steps of: receiving information of the type of report requested; if said report is of

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a type requiring receipt of financial commitment, then receiving relevant information; and providing a desired report. However, Turnasella teaches “a company that opts to contribute wage information to the database, i.e., a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys and access to the surveys is provided to the survey group via the Internet. (Paragraph 0006); “may be one or more salary servers and one or more salary clients connected to the network... the salary server includes a professionally managed, interactive salary database of wage and salary levels for selected benchmarked jobs; all programs accessing the database, which are stored in the memory, are database independent. (Paragraphs 0031-0033). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated a contributing member subscribes to the system... the sponsoring organization and providing salary data of the company to the service provider for storage in a database associated with the website. A number of contributing members may be associated together as a survey group by the service provider... The salary data from the contributing members of a survey group is processed in a predetermined fashion into surveys as taught by Turnasella, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable

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6. **Claims 8, 10, 19, 21, 27-30, 38, 40, 51, 52, 57, 59-62, 73, 75, 78, 84, 85, 88, 91, 94-98** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) as applied to claims 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-66 above and further in view of Rosenthal et al. (US 2002/0133502).

With respect to **Claims 8 and 38**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 1, wherein said at least a question may have one or more possible answers displayed. However, Rosenthal teaches “the maximum keys field may also indicate a minimum and maximum range of input that is acceptable in response to the asked questions”. (Paragraph 0081); See Table 2 show “the maximum number characters or inputs allowed for a question”. Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the maximum keys field may also indicate a minimum and maximum range of input that is acceptable in response to the asked questions as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 10 and 40**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 8, wherein said one or more possible answers displayed is based on at least one of: popularity of an answer within said at least an affinity group; being a most frequent answer within said at least an affinity group; and being a most recent answer

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within said at least an affinity group. However, Rosenthal teaches “the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database” (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 19**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 18, wherein said goal comprises at least one of: a profile attributes value; a range of profile attributes values. However, Rosenthal teaches “See Figs. 7a and 7b”; “it is planned to aggregate such data in a knowledge base, building a depository of patient demographics, treatments, and outcomes data. From such knowledge base, a statistical model of normative replies to various treatment protocols is created. This should permit on-the-fly statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant”. (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to

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evaluate whether the participant as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 21, 52 and 74**:

Williams teaches the method of claim 18, wherein for the purpose of providing said report, said method comprises the step of matching to at least one of said affinity groups at least one of a goal and a user profile. (Col. 2, lines 20-40); (Col. 6, lines 50-60).

Williams teaches the above limitations but does not explicitly disclose to at least one of said affinity groups at least one of a user profile. However, Rosenthal teaches providing said report, said method comprises the step of matching to at least one of said affinity groups at least one of a goal and a user profile. (Paragraphs 0029-0030). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated at least one of said affinity groups at least one of a user profile as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 27 and 57**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 18, wherein said goal is one of a personal goal and an informative goal. However, Rosenthal teaches wherein said goal is any of a personal goal "See

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Figs. 7a and 7b"; Paragraphs 0020, 0030, wherein the report has a reporting goal that provide information interesting. It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the report has a reporting goal that provide information interesting as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 28 and 59**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 27, wherein said informative goal provides aggregated information pertaining to a plurality of user profiles. However, Rosenthal teaches where said aggregated information comprise a plurality of user profiles "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a knowledge base...from such knowledge base, a statistical model of information" (Paragraph 0134). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated aggregated information comprise a plurality of user as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 29 and 61**:

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The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 28, wherein said aggregated information comprises at least statistical information. However, Rosenthal teaches "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a knowledge base...from such knowledge base, a statistical model of information" (Paragraph 0134), "to continuously examine and improve course of treatment by extrapolation relevant data, and comparing the individual replies...the information be included as part of databases...utilized for report". (Paragraph 0135). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated aggregated information comprises at least statistical information as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claims 30, 62, 73, 84, 88 and 91**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 27, wherein said report resulting of said personal goal provides a comparison of the user having said user profile to at least one of a plurality of user profiles and an affinity group. However, Rosenthal teaches providing said report, said method comprises the step of comparison to at least one of said affinity groups at least one of a goal and a user profile. (Paragraphs 0029-0030). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated at

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least one of said affinity groups at least one of a user profile as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **Claim 60**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 59, wherein said aggregated information comprises at least statistical information. However, Rosenthal teaches "the information gathered by the system may be utilized while the individual participants will remain anonymous... aggregated such data in a knowledge base...from such knowledge base, a statistical model of information" (Paragraph 0134), "to continuously examine and improve course of treatment by extrapolation relevant data, and comparing the individual replies...the information be included as part of databases...utilized for report". (Paragraph 0135). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated aggregated information comprises at least statistical information as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 75**:

Williams teaches the above limitations but does not explicitly disclose the method of claim 74, wherein said fitness score is at least a tally of score value of at least one of a match

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group, a match field, and an affinity. However, Rosenthal teaches providing said report, said method comprises the step of matching to at least one of said affinity groups at least one of a goal and a user profile. (Paragraphs 0029-0030). It would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams to have incorporated at least one of said affinity groups at least one of a user profile as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 78**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method of claim 77, wherein a number of user profiles is determined using any of range of fitness scores. However, Rosenthal teaches “See Figs. 7a and 7b”; “it is planned to aggregate such data in a knowledge base, building a depository of patient demographics, treatments, and outcomes data. From such knowledge base, a statistical model of normative replies to various treatment protocols is created. This should permit on-the-fly statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant”. (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated statistical comparisons to the normative curve of the individual participant replies, allowing the medical practitioner to evaluate whether the participant as taught by Rosenthal, since the claimed invention is merely a combination of

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old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 85**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose the method The computer software product of Claim 84, wherein said step b) further comprises the step of: matching at least one of a match field and an affinity. However, Rosenthal teaches “the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database” (Paragraph 0134). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the system of Williams and Turnasella to have incorporated the participant replies are captured and re-used together with other information sediment by the day to day operation into the answers database as taught by Rosenthal, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claims 94-98**:

Williams et al. discloses generating a match score (Col. 2, lines 20-40, Col. 6, lines 50-60, and Col. 8, lines 40-50). Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to

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one of ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes. Both Williams et al. and Rosenthal et al. disclose systems where users are asked questions and the answers are collected via a computer. Rosenthal et al. discloses generating reports and statistics, as well as analyzing matched populations. Williams et al. discloses weighting said constraints to provide a match score. It would have been obvious to one of ordinary skill in the art at the time of the invention to include providing a match score in the matched populations Rosenthal et al. in order to more efficiently generate statistics for reporting purposes.

7. **Claim 80** is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) as applied to claims 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-67, 76-77, 79, 81-83, 86, 87,89, 92, 92, 93 and 101-103 above and further in view of Kaehler et al. (US 6,089,284).

With respect to **claim 80**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose. However, Kaehler teaches “wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof”. (Col.18, lines 11-23); “transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information”. (Col. 12, lines 28 -65 and Col.19, lines 3-67 and Col. 19 lines 11-23). Therefore, it would have been obvious to one of ordinary skill in the art; at the time of the invention to have modified the

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system of Williams and Turnasella to have incorporated wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof as taught by Kaehler, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

8. **Claims 99-100** are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (U.S. 6,618,734) in view of Turnasella (U.S. 2003/0145015) as applied to claim 80 1-7, 9, 11-18, 20, 22-26, 31-37, 39, 41-51, 53-56, 58, 63-67, 76-77, 79, 81-83, 86, 87,89, 92, 92, 93 and 101-103 above and further in view of DeLorame et al. (US 5, 948, 040).

With respect to **claims 99 and 100**:

The combination of Williams and Turnasella teaches the above limitations but does not explicitly disclose billing information report. However DeLorame discloses in FIG. 2 and further disclosed relative to ACCTS in FIG. 4 and to FIG. 8, the Accounting Subsystem manages accounting data within the simple relational data structure shown in FIG. 3. accounting data is involved in various transactional operations in TRIPS, such as: (1) user registration or member enrollment, plus the Frelated "free" versus "valuable" access/output differentials; (2) accounting for travel service/information transactions, and other compensable exchanges among Trips site operators, retail users and/or participating third-party providers, for purposes of invoicing and billing in accord with standing Trips site policies and contractual arrangements; and (3) tracking and dispensing statistical data or "ratings" for the Trips online or Internet site usage or "hits" on

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the overall site and/or specified parts thereof as an index or measure of participation and/or promotional value”.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed Luis Santiago whose telephone number is (571) 270-5391. The examiner can normally be reached Monday to Friday from 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boswell, Beth can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status Information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/LS/

May 15, 2010

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623